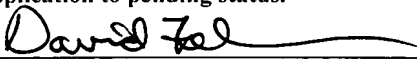


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|--|--|---|--|---|--|
| FORM PTO 1390 (REV 10-2003) | | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | | ATTORNEY'S DOCKET NUMBER 297912004400 | |
| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 | | | | | |
| INTERNATIONAL APPLICATION NO. PCT/DE03/00844 | | INTERNATIONAL FILING DATE 17 March 2003 | | U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/500522 PRIORITY DATE CLAIMED 19 March 2002 | |
| TITLE OF INVENTION BIOPSY DEVICE FOR REMOVING TISSUE SPECIMENS USING A VACUUM | | | | | |
| APPLICANT(S) FOR DO/EO/US Norbert HESKE and Thomas HESKE | | | | | |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: | | | | | |
| 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. | | | | | |
| 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing 35 U.S.C. 371. | | | | | |
| 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below. | | | | | |
| 4. <input checked="" type="checkbox"/> The US has been elected (Article 31). | | | | | |
| 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) (49 pages) | | | | | |
| a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). | | | | | |
| b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. | | | | | |
| c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). | | | | | |
| 6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)). | | | | | |
| a. <input checked="" type="checkbox"/> is attached hereto. | | | | | |
| b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). | | | | | |
| 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)) | | | | | |
| a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). | | | | | |
| b. <input type="checkbox"/> have been communicated by the International Bureau. | | | | | |
| c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. | | | | | |
| d. <input checked="" type="checkbox"/> have not been made and will not be made. | | | | | |
| 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3))(43 pgs). | | | | | |
| 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)). | | | | | |
| 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)). | | | | | |
| Items 11 to 20 below concern document(s) or information included: | | | | | |
| 11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. | | | | | |
| 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. | | | | | |
| 13. <input checked="" type="checkbox"/> A preliminary amendment. | | | | | |
| 14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76 (2 pages) | | | | | |
| 15. <input checked="" type="checkbox"/> A substitute specification (44 pages) | | | | | |
| 16. <input type="checkbox"/> A power of attorney and/or change of address letter. | | | | | |
| 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825. | | | | | |
| 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). | | | | | |
| 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). | | | | | |
| 20. <input checked="" type="checkbox"/> Other items or information: Marked-up version of English translation of specification; Drawings (15 sheets); International Search Report (2 pages); Postcard | | | | | |

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|---|--------------|--|---|---------------------------------------|---------|
| U.S. APPLICATION NO. 10/500522 | | INTERNATIONAL APPLICATION NO. PCT/DE03/00844 | | ATTORNEY'S DOCKET NUMBER 297912004400 | |
| 21. <input checked="" type="checkbox"/> The following fees are submitted: | | | | CALCULATIONS PTO USE ONLY | |
| BASIC INTERNATIONAL FEE (37 CFR 1.492 (a) (1) – (5)): | | | | | |
| <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1080.00 | | | | | |
| <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$920.00 | | | | | |
| <input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$770.00 | | | | | |
| <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$730.00 | | | | | |
| <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 | | | | | |
| ENTER APPROPRIATE BASIC FEE AMOUNT = | | | | \$ | 1080.00 |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)). | | | | \$ | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | |
| Total claims | 48-20 = | 28 | X 18. | \$ | 504.00 |
| Independent claims | 1-3 = | 0 | x 86. | \$ | 0 |
| MULTIPLE DEPENDENT CLAIM(s) (if applicable) | | | + | \$ | 0 |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$ | 1584.00 |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | | | | \$ | |
| SUBTOTAL = | | | | \$ | 1584.00 |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)). | | | | \$ | 0 |
| TOTAL NATIONAL FEE = | | | | \$ | 1584.00 |
| Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property | | | | + | \$ |
| TOTAL FEES ENCLOSED = | | | | \$ | 1584.00 |
| | | | | Amount to be refunded: | \$ |
| | | | | charged: | \$ |
| a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. | | | | | |
| b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 03-1952 in the amount of \$ 1584.00 to cover the above fees. A duplicate copy of this sheet is enclosed. | | | | | |
| c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 03-1952. A duplicate copy of this sheet is enclosed. | | | | | |
| d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. | | | | | |
| NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status. | | | | | |
| SEND ALL CORRESPONDENCE TO: | | | SIGNATURE:  | | |
| Todd W. Wight MORRISON & FOERSTER LLP 555 West Fifth Street, Suite 3500 Los Angeles, CA 90013-1024 | | | David L. Fehrman | | |
| | | | NAME | | |
| | | | 28,600 | | |
| | | | REGISTRATION NUMBER | | |
| (949) 251-7189 | | | | | |
| CUSTOMER NUMBER: 25224 | | | | | |

Application No. (if known): Not Yet Assigned

Attorney Docket No.: 297912004400

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV 301223104 US in an envelope addressed to:

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on June 29, 2004
Date



Signature

Marco Jimenez
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Transmittal Letter to the United States Designated-Elected Office
Application Data sheet
Marked-up version of English specification
International search report
Information disclosure statement with Form PTO 1449
Formal drawings (15 sheets)